

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI

In RE:)	
)	
JOSEPH MCCRAY)	Case No. 15-41446
)	
Debtor,)	
)	
ERLENE W. KRIGEL,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 16-4019
)	
JOSEPH MCCRAY and)	
LAURIE MCCRAY,)	
)	
Defendants.)	

AGREED ORDER

Plaintiff-Trustee Erlene Krigel and Defendant Joseph McCray and Defendant Laurie McCray stipulate to the entry of this Agreed Order. The Parties stipulate as follows:

1. On May 18, 2015 the Debtor filed his petition for relief under Chapter 7 of the United States Bankruptcy Code which was assigned case number 15-41446.

2. When the Debtor filed his petition he owned an undivided one-half interest with his spouse Defendant Laurie McCray in a 62% membership interest in JJLM, LLC ("JJLM"), a Kansas limited liability company (the "McCray Membership").

3. Defendants owned the McCray Membership as joint tenants with right of survivorship.

4. Through this adversary proceeding the Plaintiff-Trustee sought this Court's authority to sell the McCray Membership pursuant to 11 U.S.C. §363(h); account to Defendant Laurie McCray for the proceeds due to her for her interest in the McCray Membership; and administer the remaining proceeds due to the Plaintiff-Trustee for the Debtor's interest in the McCray Membership as provided for by the Bankruptcy Code.

5. Plaintiff-Trustee and Defendants have reached an agreement with respect to the issues presented in this adversary and stipulate to entry of this order.

6. Plaintiff-Trustee withdraws her prayer for an award of attorney fees and costs from Defendants.

7. Defendants withdraw their Motion for Judgment on the Pleadings filed on July 1, 2016 (Doc # 21).

ACCORDINGLY, upon stipulation of the Parties and being duly advised and for good cause shown:

IT IS ORDERED that judgment is granted in this adversary in favor of the Plaintiff-Trustee authorizing the Plaintiff-Trustee to sell the McCray Membership in accordance with 11 U.S.C. § 363(h).

IT IS FURTHER ORDERED that upon any sale of the McCray Membership, and after deducting costs and expenses of the sale, the Plaintiff-Trustee shall account to Defendant Laurie McCray for the net proceeds attributable to her undivided one-half interest in the McCray Membership and shall retain the net proceeds attributable to Defendant Joseph McCray's

undivided one-half interest in the McCray Membership for administration in the bankruptcy estate in accordance with the Bankruptcy Code.

IT IS FURTHER ORDERED that Plaintiff-Trustee's prayer for attorneys' fees and costs from the Defendants is DENIED AS MOOT.

IT IS FURTHER ORDERED that Defendants' Motion for Judgment on the Pleadings (Doc # 21) is DENIED AS MOOT.

/s/Arthur B. Federman
Bankruptcy Judge

Dated: 8/4/2016

Jointly Submitted and Agreed to by:

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